

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
v.)	CAUSE NO.: 2:08-CR-11-RL
)	
HENRY CARTER,)	
)	
Defendant.)	

**FINDINGS AND RECOMMENDATION OF THE MAGISTRATE JUDGE
UPON A PLEA OF GUILTY BY DEFENDANT HENRY CARTER**

TO: THE HONORABLE RUDY LOZANO, JUDGE,
UNITED STATES DISTRICT COURT

Upon Defendant Henry Carter's request to enter a plea of guilty pursuant to Rule 11 of the Federal Rules of Criminal Procedure, this matter came for hearing before Magistrate Judge Paul R. Cherry, on November 19, 2008, with the consent of Defendant Henry Carter, counsel for Defendant Henry Carter, and counsel for the United States of America.

The hearing on Defendant Henry Carter's plea of guilty was in full compliance with Rule 11, Federal Rules of Criminal Procedure, before the Magistrate Judge in open court and on the record.

In consideration of that hearing and the statements made by Defendant Henry Carter under oath on the record and in the presence of counsel, the remarks of the Assistant United States Attorney and of counsel for Defendant Henry Carter,

I FIND as follows:

(1) that Defendant Henry Carter understands the nature of the charge against him to which the plea is offered;

(2) that Defendant Henry Carter understands his right to trial by jury, to persist in his plea of not guilty, to the assistance of counsel at trial, to confront and cross-examine adverse witnesses, and

his right against compelled self-incrimination;

(3) that Defendant Henry Carter understands what the maximum possible sentence is, including the effect of the supervised release term, and Defendant Henry Carter understands that the sentencing guidelines apply and that the Court may depart from those guidelines under some circumstances;

(4) that the plea of guilty by Defendant Henry Carter has been knowingly and voluntarily made and is not the result of force or threats or of promises;

(5) that Defendant Henry Carter is competent to plead guilty;

(6) that Defendant Henry Carter understands that his answers may later be used against him in a prosecution for perjury or false statement;

(7) that there is a factual basis for Defendant Henry Carter's plea; and further,

I RECOMMEND that the Court accept Henry Carter's plea of guilty to the offense charged in Count 3 of the Indictment and that Defendant Henry Carter be adjudged guilty of the offense charged in Count 3 of the Indictment and have sentence imposed. A Presentence Report has been ordered. Should this Report and Recommendation be accepted and Defendant Henry Carter be adjudged guilty, sentencing will be held **February 26, 2009, at 12:30 p.m.** in the Hammond Division, before Judge Rudy Lozano. Objections to the Findings and Recommendation are waived unless filed and served within ten (10) days. 28 U.S.C. § 636(b)(1)(B).

So ORDERED this 19th day of November, 2008.

s/ Paul R. Cherry
MAGISTRATE JUDGE PAUL R. CHERRY
UNITED STATES DISTRICT COURT

cc: All counsel of record
Honorable Rudy Lozano